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Criminalizes Abortion as First-Degree Murder and Expands Definition of Abortion to Include Certain Forms of Birth Control, Some Medical Research, and Many in Vitro Fertilization Procedures. Initiative Constitutional Amendment.

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Criminalizes Abortion as First-Degree Murder and Expands Definition of Abortion to Include Certain Forms of Birth Control, Some Medical Research, and Many in Vitro Fertilization Procedures. Initiative Constitutional Amendment. California Initiative 1804 (2017).

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June 23, 2017

VIA MAIL DELIVERY

The Honorable Xavier Becerra, Attorney General
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

RECEIVED

JUL 03 2017

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ashley Johansson, Initiative Coordinator

Re: Request to Prepare Circulating Title and Summary for Proposed Amendment to
Article I

Dear Ms. Johansson:

Pursuant to the Elections Code §9002(b), the proponents respectfully make this request that the Attorney General prepare and circulate the title and summary using the amended language. Please note that proponents are being added. As such, the required certification and affidavits signed by the additional proponents under Elections Code §§ 9001 and 9608 are enclosed. All added proponents are citizens of the United States and registered to vote in California.

Public contact information [Elections Code §9001(b)(2)]: All inquiries or correspondence relative to this initiative should be directed to AbolishAbortionCA.com, P.O. Box 6036, Atascadero, CA 93423, attention: Daniel Ehinger, 818-863-6228.

Sincerely,



Daniel Ehinger, Coordinator
Abolitionist Society of San Luis Obispo, CA

PROPONENTS



PROPOSED AMENDMENT TO ARTICLE I

Section 33 is added to Article I of the California Constitution as follows:

SEC. 33. (a) As used in this section:

(1) "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to intentionally kill an unborn human.

(2) "Unborn human" means an individual organism of the species Homo sapiens from fertilization, whether fertilization occurs inside or outside of a human, until live birth.

(b) No person shall perform, procure, or attempt to perform an abortion.

(c) Whoever performs or procures an abortion is guilty of first-degree murder and shall be punished in accordance with the penalties for that crime under state law.

(d) Abortion or any other taking of innocent human life is not protected by a right to privacy under Article I, Section 1 of this Constitution.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

CRIMINALIZES ABORTION AS FIRST-DEGREE MURDER AND EXPANDS

DEFINITION OF ABORTION TO INCLUDE CERTAIN FORMS OF BIRTH

CONTROL, SOME MEDICAL RESEARCH, AND MANY IN VITRO FERTILIZATION

PROCEDURES. INITIATIVE CONSTITUTIONAL AMENDMENT. Eliminates a

woman's state constitutional privacy right to terminate a pregnancy, and to use certain birth

control methods. Outlaws: abortion including cases of rape, incest, or to save the life of the

woman; intentionally terminating a fertilized egg; most embryonic stem cell research, some fetal

tissue research; and many in vitro fertilization procedures. Women, medical professionals,

researchers, and others, who violate these restrictions would be guilty of first-degree murder.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state

and local government: **Assuming that provisions of the U.S. Constitution would prevent the**

initiative from taking effect, voter approval of this measure would have no impact on state

and local finances. (17-0008.)



AP17:063

FOR IMMEDIATE RELEASE

September 8, 2017

CONTACT:

Jesse Melgar or Sam Mahood

(916) 653-6575

Proposed Initiative Enters Circulation

Criminalizes abortion as first-degree murder and expands definition of abortion to include certain forms of birth control, some medical research, and many in vitro fertilization procedures. Initiative Constitutional Amendment.

SACRAMENTO – Secretary of State Alex Padilla announced the proponent of a new initiative was cleared to begin collecting petition signatures this past Wednesday.

The Attorney General prepares the legal title and summary that is required to appear on initiative petitions. When the official language is complete, the Attorney General forwards it to the proponent and to the Secretary of State, and the initiative may be circulated for signatures. The Secretary of State then provides calendar deadlines to the proponent and to county elections officials. The Attorney General's official title and summary for the measure is as follows:

CRIMINALIZES ABORTION AS FIRST-DEGREE MURDER AND EXPANDS DEFINITION OF ABORTION TO INCLUDE CERTAIN FORMS OF BIRTH CONTROL, SOME MEDICAL RESEARCH, AND MANY IN VITRO FERTILIZATION PROCEDURES. INITIATIVE CONSTITUTIONAL AMENDMENT. Eliminates a woman's state constitutional privacy right to terminate a pregnancy, and to use certain birth control methods. Outlaws: abortion including cases of rape, incest, or to save the life of the woman; intentionally terminating a fertilized egg; most embryonic stem cell research, some fetal tissue research; and many in vitro fertilization procedures. Women, medical professionals, researchers, and others, who violate these restrictions would be guilty of first-degree murder. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Assuming that provisions of the U.S. Constitution would prevent the initiative from taking effect, voter approval of this measure would have no impact on state and local finances.** (17-0008.)

The Secretary of State's tracking number for this measure is 1804 and the Attorney General's tracking number is 17-0008.

The proponent of the measure, Daniel Ehinger, must collect the signatures of 585,407 registered voters (eight percent of the total votes cast for Governor in the November 2014 general election) in order to qualify it for the ballot. The proponent has 180 days to circulate petitions for the

measure, meaning the signatures must be submitted to county elections officials no later than March 5, 2018. The proponent can be reached at (818) 863-6228.

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August 22, 2017

Hon. Xavier Becerra
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

RECEIVED

AUG 22 2017

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Ashley Johansson
Initiative Coordinator


Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative (A.G. File 17-0008) that would amend the California State Constitution to ban abortion and declare whoever performs or procures an abortion guilty of first-degree murder.

As the initiative would prohibit abortion *without exception* and make the performance or procurement of an abortion a *crime* under state law, the initiative is in direct conflict with the United States (U.S.) Constitution as interpreted by the U.S. Supreme Court in well-established and long-settled judicial precedent. Specifically, in *Roe v. Wade* (1973), the U.S. Supreme Court held that: (1) women generally have a right under the U.S. Constitution to terminate a pregnancy by abortion prior to at least the end of the first trimester (in a subsequent case, the court clarified that this right was permitted to be exercised up to the point of fetal viability) and (2) state criminal abortion laws violate the "due process clause" of the 14th Amendment of the U.S. Constitution. In 1992, the U.S. Supreme Court upheld the central tenet of its *Roe* decision (in *Planned Parenthood v. Casey*). Accordingly, it is almost certain that the initiative would be invalidated by the courts, meaning that it could not legally take effect.

Fiscal Impact. Assuming that provisions of the U.S. Constitution would prevent the initiative from taking effect, voter approval of this measure would have no impact on state and local finances.

Sincerely,


for Mac Taylor
Legislative Analyst


Michael Cohen
Director of Finance

Legislative Analyst's Office
California Legislature
Mac Taylor • Legislative Analyst
925 L Street, Suite 1000 • Sacramento CA 95814
(916) 445-4656 • FAX 324-4281